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Attorneys for Petitioner Teamsters Local 853

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TEAMSTERS LOCAL 853,

Petitioner,

v.

KEYSTONE AUTOMOTIVE OPERATIONS,
INC.,

Respondent.

Case No. 32-RC-137319

**PETITIONER'S EXCEPTIONS TO
HEARING OFFICERS REPORT AND
RECOMMENDATIONS ON OBJECTIONS**

Pursuant to Section 102.69 of the National Labor Relations Board's Rules and Regulations, Petitioner Teamsters Local 853 hereby fil the following Exceptions to the Hearing Officer's Report and Recommendation on Objections.

1. To the Hearing Officer Overruling Objection No. 8 (pp. 24 - 28.) More specifically

Petitioner excepts to the following:

a. The Hearing Officer's decision that ride-alongs were inherently coercive.

b. The Hearing Officer's decision that the ride-alongs, in this case, were not coercive applying the *Frito-Lay* factors.

2. To the Hearing Officer not ordering a *Lufkin* notice.

1 Dated: September 21, 2015

BEESON, TAYER & BODINE, APC

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3 By:


PETER M. MCENTEE

4 Attorneys for Teamsters Local 853
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I declare that I am employed in the County of Sacramento, State of California. I am over the age of eighteen (18) years and not a party to this action. My business address is 520 Capitol Mall, Suite 300, California, 95814. On September 24, 2015, I served the following document(s):

**PETITIONER'S EXCEPTIONS TO HEARING OFFICERS REPORT
AND RECOMMENDATIONS ON OBJECTIONS**

☐ **By Mail** to the parties in this action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business in a United States mailbox in the City of Sacramento, California.

☐ **By Personal Delivery** to the parties in this action, as addressed below, of a true and correct copy thereof in accordance with Code of Civil Procedure §1011.

☐ **By Messenger Service** to the parties in this action, as addressed below, by placing a true and correct copy thereof in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service in accordance with Code of Civil Procedure § 1011.

☐ **By Overnight Delivery** to the parties in this action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in an area designated for outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business, for delivery the following day via United Parcel Service Overnight Delivery.


☐ **By Facsimile Transmission** to the parties in this action, as addressed below, a true and correct copy thereof in accordance with Code of Civil Procedure §1013(e).

☒ **By Electronic Service** to the parties in this action, at the electronic notification address(es) below. Based on a court order or an agreement, the parties have agreed to accept service by electronic transmission in accordance with Code of Civil Procedure § 1010.6. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Reyburn Lominack III, Esq.
Email: rlominack@laborlawyers.com

George Velastegui
Regional Director
NLRB, Region 32
george.velastegui@nlrb.gov

I declare under penalty of perjury that the foregoing is true and correct. Executed in Sacramento, California, on September 24, 2015.



Nona Danyeur-Mounir